

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

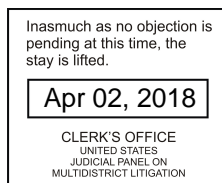
CONDITIONAL REMAND ORDER

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.



FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			<u>CASE CAPTION</u>
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	
WVS	2	12-01498	KYE	0	12-00042	Smith et al v. Johnson & Johnson et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MARK SMITH, Administrator
and Personal Representative of
the Estate of Patricia V. Smith,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-01498

ETHICON, INC., et al.,

Defendants.

ORDER AND SUGGESTION OF REMAND

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that this action be remanded to the United States District Court for the Eastern District of Kentucky, Northern Division. All pretrial proceedings, including discovery and dispositive and *Daubert* motion practice, are substantially complete, and the case is ready for trial. I have attached a Suggestion of Remand Memorandum for the transferor court's reference.

Upon receipt of an order to remand from the Clerk of the Judicial Panel on Multidistrict Litigation ("MDL Panel") and any joint designation of the MDL 2327 record by counsel, the Clerk of this court is directed to transmit the following to the transferor court: (1) a copy of the member case docket sheet; (2) the entire file for the member case; (3) the docket sheet for MDL 2327, 2:12-md-2327; (4) all Pretrial Orders ("PTO") entered in 2:12-md-2327; and (5) any other filing from 2:12-md-2327 which the parties jointly designate. It is **ORDERED** that within seven (7) days of

the MDL Panel's transmittal of the remand order to this court, the parties shall file a joint designation of any non-PTO filings from 2:12-md-2327. Designations must include all general causation *Daubert* motions, responses and replies for any expert identified by the parties in this case. *Once the case is remanded to the transferor court*, the court **ORDERS** that within fourteen (14) days of filing of the confirmation from the transferor court that the case has been opened in that court, the parties jointly file each of the pleadings identified in their designations in the remanded case separately and include a cover page for each pleading that identifies the ECF number for that pleading from the main MDL 2327.

The court **DIRECTS** the Clerk to send a copy of this Order and Suggestion of Remand to the Clerk of the MDL Panel, counsel of record and any unrepresented party.

ENTER: March 20, 2018



ROBERT C. CHAMBERS, CHIEF JUDGE



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation CRO Final Minute Order (Clerks)

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United States Judicial Panel on Multidistrict Litigation

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The following transaction was entered on 4/2/2018 at 9:37 AM EDT and filed on 4/2/2018

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 4/2/18. Please see pleading (8 in KYE/0:12-cv-00042, [3324] in MDL No. 2327).

A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.

As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel Jeffery N. Luthi on 4/2/2018.

Associated Cases: MDL No. 2327, KYE/0:12-cv-00042 (LAH)

Case Name: Smith et al v. Johnson & Johnson et al
Case Number: [KYE/0:12-cv-00042](#)
Filer:
Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 4/2/18. Please see pleading (8 in KYE/0:12-cv-00042, [3324] in MDL No. 2327).

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Signed by Clerk of the Panel Jeffery N. Luthi on 4/2/2018.

Associated Cases: MDL No. 2327, KYE/0:12-cv-00042 (LAH)

No public notice (electronic or otherwise) sent because the entry is private



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Finalized Conditional Remand Order
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United States

United States Judicial Panel on Multidistrict Litigation

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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: [3324](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 4/2/2018.

(Attachments: # (1) Suggestion of Remand)

Associated Cases: MDL No. 2327, KYE/0:12-cv-00042 (LAH)

Case Name: Smith et al v. Johnson & Johnson et al

Case Number: [KYE/0:12-cv-00042](#)

Filer:

Document Number: [8](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel Jeffery N. Luthi on 4/2/2018.

(Attachments: # [1] Suggestion of Remand)

Associated Cases: MDL No. 2327, KYE/0:12-cv-00042 (LAH)

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Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Document description: Suggestion of Remand

Original filename:n/a

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